

City Council Meeting Minutes

**July 5, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present: ***Roll Call.***

City Council: ***Mayor Muckle, Mayor Pro Tem Lipton, City Council members: Ashley Stolzmann, Chris Leh, Susan Loo and Jay Keany***

Absent: ***Council member Maloney***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Aaron DeJong, Director of Economic Development
Scott Robinson, Planner II
Joe Stevens, Director of Parks & Recreation
Kurt Kowar, Director of Public Works
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Keany. All were in favor. Absent: Council member Maloney

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Fire District Chief John Willson stated he was in attendance for a quarterly check-in and to answer any questions from the Council. Mayor Muckle asked if there were many brush fires so far this year. Chief Willson stated no but it is drying out and they are keeping an eye on things.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, Council member Keany moved to approve the consent agenda, seconded by Mayor Muckle. All were in favor. Absent: Council member Maloney

- A. Approval of Bills**
- B. Approval of Minutes: June 7, 2016 Special Meeting; June 7, 2016; Budget Meeting; June 14, 2016**
- C. Approve a Contract Amendment between the City of Louisville and Michael Baker International for the 95th Street Bridge Replacement**
- D. Approve a Contract Amendment between the City of Louisville and Highway 42 and Short Street Geometric and Traffic Signal Improvements**
- E. Approve Resolution No. 31, Series 2016 – A Resolution Approving an Amendment to an Agreement with the Urban Drainage and Flood Control District for the Drainageway A-2 Improvements Project**

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle thanked staff for the July 4th fireworks.

CITY MANAGER'S REPORT

City Manager Fleming thanked event staff, the police staff, and the fire district for the fireworks. He updated Council on capital projects including the new IAN accounting system. He thanked the staff members who have been working to get the financial system implemented. He noted the paving of the Davidson Mesa parking lot is now underway and the railroad bridge for the South Street Gateway is being installed.

Councilmember Loo stated how impressed she was with how much funding the City received from the Federal and State governments to pay for the replacement of the County Road Bridge.

REGULAR BUSINESS

RESOLUTION NO. 32, SERIES 2016 – A RESOLUTION APPROVING AN ICONIC SIGN DESIGNATION FOR THE FORMER STANDARD OIL SIGN LOCATED AT 947 PINE STREET

Mayor Muckle called for a staff presentation.

Planner II Robinson noted the applicant requests an Iconic Sign designation for the former Standard Oil sign at 937 Pine Street, on the corner of Front and Pine Streets. An iconic sign is an existing non-conforming sign with a distinctive architectural style designated with the owner's consent as an iconic sign.

The current sign does not comply with the existing sign code, meaning the owners can remove it, reuse it as is, or get it named as an "iconic sign." The Historic Preservation Commission (HPC) and City Council have to review such designations. The sign was built in 1961 and is still in the same location. The gas station wants to reuse the sign to advertise the station.

The following are staff's findings and analysis of the Iconic Sign application for 947 Pine Street by the criteria:

1. *The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the City's unique character and quality of life;*

The sign is located on the corner of Pine and Front Streets out of the 30' vision clearance triangle. Staff finds the re-facing improves the character of the intersection resulting in a positive impact on the surrounding properties. The unique sign is featured on a gateway into Downtown Louisville.

2. *The sign exhibits unique or rare characteristics that enhance the streetscape or identity of Downtown Louisville and it clearly provides a unique architectural style and appearance.*

The rare shape and prominent location of the Standard Oil sign captures mid-twentieth century character of Downtown Louisville.

3. *The sign contributes to the historical or cultural character of the streetscape or the community at large.*

The sign was constructed prior to 1961. With some modifications to the sign pole, the sign has been a part of the Louisville streetscape for over 50 years.

4. *The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.*

The current sign has issues with rust and deterioration. As a part of the re-facing of the sign, the applicant will repair and refurbish the sign structure.

Staff finds all the criteria are met and recommends approval. The Historic Preservation Commission also recommends approval with a condition illumination be added to the sign to reinforce the shape of the sign so the outline could be determined even at night.

The Mayor asked for questions from the City Council.

Councilmember Loo asked if the shape, which was originally from Standard Oil, is trademarked or protected in any way which would create liability for the City. City Attorney Light stated no. This action only relates to the City sign code criteria, not who owns any trademark.

Councilmember Keany asked Planner Robinson about how the sign would be illuminated and if this approval would also allow for that. Planner Robinson stated this is just for the iconic sign designation, a condition could be added for how it is illuminated. Council member Keany stated his preference the sign illumination not be the full sign, but just the logo.

Council member Stolzmann stated she feels the sign is consistent with the four criteria and it contributes to the area. She would like to add a condition to allow for interior illumination of the sign as that is part of the iconic part of the sign.

Mayor Muckle asked for public comments.

Debbie Fahey, 1118 W. Enclave Circle, Louisville, CO stated the HPC conversation was to include the halo illumination so the sign will be obvious.

Mayor Muckle agreed with the recommendation to allow internal illumination to light the logo, lettering and halo of the sign.

MOTION:

Council member Keany moved to approve Resolution No. 32, Series 2016 with a condition to read "Include illumination with illumination to extend only to the exterior edge of the sign and to internal illumination of the cloverleaf and stem and shamrock letters to subtly re-enforce the iconic shape of the sign with the dark background to not be illuminated". Council member Loo seconded. All in favor.

**ORDINANCE NO. 1721, SERIES 2016 – AN ORDINANCE APPROVING A
BOUNDARY LINE AGREEMENT CONCERNING CERTAIN BOUNDARIES OF
MEMORY SQUARE PARK - 2nd Reading – Public Hearing**

City Attorney Light introduced Ordinance No. 1721, Series 2016.

Mayor Muckle opened the public hearing and called for a staff presentation.

City Manager Fleming stated this ordinance is to clarify the boundary between Memory Square Park and 833 Jefferson Avenue. There are discrepancies in the legal description for the boundary lines for the lot. Over 20 years ago the fence was placed with good faith where the parties thought the boundary line was, although the fence is 1.57 to 3.23 feet too far south. Further complicating matters, on the western side of the property, the City vacated the alley, which typically results in the adjacent property owners gaining the vacated property. However, at 833 Jefferson Avenue the fence is still on the previous boundary line of the alley. To address the issues and uncertainties the property owners and the City have drafted a boundary line agreement to allow the fence to stay where it is as the agreed upon boundary line of the property.

Mayor Muckle asked for applicant comments and hearing none, asked for public comments. Hearing none, he called for Council comment.

Mayor Muckle suggested this be approved. Council member Loo agreed.

Mayor Muckle closed the public hearing.

City Attorney Light stated the recommendation is specific to the facts of this case. It appears there was essentially a mutual mistake regarding the location of the fence originally and the parties on either side of the fence relied on the fence as the boundary line. The agreement also resolves the issue on the west side where the fence does not align with the alley vacation description when the alley was vacated in the early 1980's. The boundary line agreement is a mutual resolution to these situations, the issues were looked at running either direction of boundaries through a sort of estoppel, acquiescence or adverse possession and it was clear in the opinion of the City Attorney's office, those principles don't run against the City. There is still the discrepancy of where the fence sits in relation to the boundary lines under the original deed, so a boundary line adjustment agreement is recommended.

Mayor Muckle noted this does not affect any other properties or set any new survey points.

MOTION

Council member Keany moved to approve Ordinance No. 1721, Series 2016, Council member Stolzmann seconded. Roll Call Vote 6-0. Council member Maloney absent.

DISCUSSION/DIRECTION: OPEN SPACE RANKING ACQUISITION POLICY

City Manager Fleming gave the staff presentation noting the item came from Council member's concerns about how the City ranks open space parcels to purchase. He

noted the staff and Open Space Advisory Board (OSAB) use 20 different criteria to rank property and only pursue properties with a willing seller. He noted there is no formal endorsement process for the City Council to approve the priority list. He asked for discussion of how the criteria are working, how the Council would like to give input on the list, what properties to pursue, and how parcels are identified on the map listing the properties. He added OSAB will be looking at this list for 2016 in July to review the process and updating the property information.

Mayor Muckle called for public comment, hearing none, he called for Council comment.

Council member Stolzmann stated she would like to see Council get an opportunity to endorse the list and make sure everything on the list is something the City Council wants and to find out if there are other ways to acquire access to a property without purchasing it. She also would like to clarify which parcels require the City to have partners to purchase. She would like to have a discussion of each property on the list. She wanted to know why properties drop off the list over the years (were they purchased, annexed, etc.) so we can learn from those examples. She feels there are too many criteria and some are very closely related. Once the priorities are identified, she would like staff to contact property owners identified as top priorities so they know of our interest and can perhaps get the right of first refusal.

Mayor Pro Tem Lipton stated the City does not have the resources or interest in going after every property on the list. He stated the list is an indicator of how important the properties are, but there is nowhere near enough money to purchase every one. He wouldn't want to see all the money spent on lower tier properties leaving no funding when the top tier properties become available. He added if the properties on the list have very low redevelopment potential, some redevelopment may be acceptable rather than the City buying it.

Council member Leh felt it important the City explain the list to the residents and what is realistic. He stated he didn't think staff should be contacting people every year about the City's interest in purchase. Staff should have the discretion to contact people when it is appropriate and when a seller might be receptive of the contact.

Mayor Muckle added OSAB works very hard on this list and works to use an appropriate scoring system. He noted in the past Council asked OSAB to rank them, but perhaps what is really needed is a more realistic conversation about what are the big priorities, what is the best way to meet the goals of the list, and what other options might there be other than acquisition.

Council member Keany stated he wonders if the Tier 3 items are worth pursuing, the list is too long.

Mayor Muckle asked for public comments and heard none.

Parks and Recreation Director Stevens noted the staff and OSAB do tour the properties each year and they continue to discuss. He agreed there are other ways to prioritize the list and he will take back all the input to OSAB.

**DISCUSSION/DIRECTION – POSSIBLE 2016 BALLOT QUESTION FOR EXTENSION
OF HISTORIC PRESERVATION TAX**

Mayor Muckle noted the existing Historic Preservation Tax will expire in 2019 and he would like to discuss if it makes sense to put an extension of the tax on the ballot in 2016 when we expect a very high voter turnout.

Mayor Muckle stated his hope to include language to change the tax to include operational funding for the Historical Museum but the priority would be grants and preservation projects. He stated there are two more years to put the issue on the ballot, but he would support doing it this year. It is an extension of an existing tax so he doesn't think it will compete with any new taxes proposed on the ballot.

Mayor Muckle asked for public comments.

Debbie Fahey, 1118 West Enclave Circle, Louisville, CO stated she would like to see more time spent on how to fund the museum and in what form before putting it on the ballot. She doesn't want this item competing with the Rec Center expansion tax. She asked the Historic Preservation tax be put on the ballot in 2018.

Mayor Muckle called for Council comment.

Mayor Pro Tem Lipton stated he supports the continuation and repurposing for the museum, however he doesn't generally support asking for re-approval before the existing tax expires unless it is needed for bonding. He noted there is not large support for this from the HPC for 2016 and they need to be behind this. There has not been a good conversation about this with the HPC. He added his concern for this issue competing for approval with the Rec Center expansion issue and any other taxes on the ballot. He stated without a business plan for the museum it is really hard to explain to people why there is a need to repurpose the tax. He does not support doing this in 2016.

Council member Leh added he is concerned the public's appetite for extending or approving new taxes is more limited than we may appreciate. He feels the historic preservation tax is a gem and wants to extend it. Extension of the tax should be on the ballot when there has been the time to really evaluate support. He doesn't want to have to do it twice, and thinks it should be done when a real effort can be made to pass it, not this year.

Council member Loo asked why risk putting it on in 2016 against the Rec Center expansion. There is support for it in the survey questions, but noted the museum comes

in very low on the priority list. She would rather put in on the ballot when a good case can be built for the museum. She added Boulder County is likely to put tax questions on the ballot and if there is a long ballot with a number of tax questions it lowers the chances of this passing. When it passes, she wants overwhelming support for it. She also is reluctant to put anything on the ballot without unanimous Council support, which it might not have this year but likely would have in 2017. She doesn't want to risk the Rec Center expansion failing if this item is added.

Council member Keany noted he received comments from the public not to put it on this year, but no comment asking it be added to the ballot. He stated the museum plan needs to be finished before trying to explain to the public the need for the tax. He stated in 2016 there is support for the Rec Expansion and he doesn't want to risk that question. He noted there is no urgency in passing this in 2016 and the Council should wait until 2017 for the Historic Preservation tax.

Council member Stolzmann stated she could support an extension of the tax, but there is no harm in waiting and putting the time and effort into knowing how to repurpose the tax and knowing how the museum plan fits into the question and how the funding will be changed.

Muckle stated it was clear there was no support for putting this on the ballot in 2016.

EXERCISE SOLAR PV EQUIPMENT FIVE YEAR PURCHASE OPTION WITH ZIONS CREDIT CORPORATION

Mayor Muckle called for a staff presentation.

Public Works Director Kowar noted this concerned buying out a lease with Zions Credit Corporation. The City of Louisville purchased and installed three solar panels in 2011 at the water and wastewater treatment plants. Approximately 50% of the installation costs were reimbursed through Xcel rebates for the Solar PV installations. The systems were leased rather than purchased outright due to a federal tax credit of 30% that was available to commercial businesses but not local governments. The lease agreement with Zions has a provision for a five-year, ten-year and 12-year purchase option. The five-year mark has been reached on the leases and budget is available within the current Capital Improvement Program in both the Water Fund and Wastewater Funds.

To accomplish the buyout on a net present value with various percentages applied, it was about \$70,000 advantageous to do it now versus waiting for the ten-year buyout. Staff recommended Council approve exercising the five-year purchase option with Zions Credit Corporation noting the solar panels have performed up to the original projection and staff believes it would be a good use of the City's money.

MOTION

Council member Keany moved to approve the exercise of the option to purchase the solar panels, seconded by Council member Leh. Roll Call Vote 6-0. Council member Maloney absent.

**ORDINANCE NO. 1722, SERIES 2016 – AN ORDINANCE AUTHORIZING THE
PAYMENT OF CITY MONEYS FOR THE CITY’S ACQUISITION OF PROPERTY
LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 4, LOUISVILLE OLD TOWN –
1st Reading – Set Public Hearing 07/19/2016**

**RESOLUTION NO. 33, SERIES 2016 – A RESOLUTION APPROVING A PURCHASE
CONTRACT TO BUY AND SELL REAL ESTATE FOR THE CITY’S ACQUISITION OF
PROPERTY LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 4, LOUISVILLE
OLD TOWN – *Continue to 07/19/16***

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1722, Series 2016.

MOTION: Mayor Muckle moved to approve Ordinance No.1722, Series 2016 on first reading, ordered it published and set a public hearing for July 19, 2016, seconded by Council member Keany. All in favor.

City Attorney Light noted the staff recommendation on Resolution No. 33, Series 2016 is to continue to July 19, 2016.

City Manager Fleming stated staff is recommending this purchase to use the parcel for additional parking and to have some control over how the property develops in relation to historic downtown.

Mayor Muckle moved to continue Resolution No. 33, Series 2016 to July 19, 2016, seconded by Council member Stolzmann. All in favor.

CITY ATTORNEY’S REPORT

No report.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF
FUTURE AGENDA ITEMS**

Council member Stolzmann noted some changes in how DRCOG is taking input on Metro Vision. DRCOG will also be discussing the regional transportation process and HOV 3 implementation.

**UPDATE FROM LEGAL REVIEW COMMITTEE REGARDING MUNICIPAL JUDGE
APPOINTMENT**

Council member Leh noted the Committee is in the process of reviewing applicants for the Municipal Judge vacancy. The Committee will be interviewing some candidates next week. He asked if the Council is supportive of the Committee bringing one finalist forward for consideration or if they have another process they would like used.

Mayor Muckle noted this is an important hire. He would like to have a chance to meet with the finalist if possible. Council member Leh invited any members of the Council to attend the interviews of the candidates.

Council member Keany noted the Historical Commission meeting tomorrow evening, the Water Committee meeting Friday morning at 7:30 AM and the Senior Ice Cream Social next Thursday at 6:00 PM at Community Park. The Chamber's Spaghetti Open is Friday, July 15 at Coal Creek Golf Course.

Mayor Muckle stated he and City Manager Fleming are working on a slightly different process for budget discussion; reviewing by fund rather than all at once. He asked if the Water Committee should review the utility funds prior to Council's review and if that would help the process.

Council member Loo said related to the Water Fund she would like to see water rights purchased whenever possible, not budget for later years as they simply get more expensive. Mayor Muckle agreed.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Leh. All were in favor. The meeting was adjourned at 8:38 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk